

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

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6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE METHOD OF COMPUTING REASONABLE AND
7 NECESSARY ATTORNEY FEES UNDER THE EMINENT DOMAIN STATUTES; AMENDING SECTION
8 70-30-306, MCA; AND PROVIDING AN APPLICABILITY DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 70-30-306, MCA, is amended to read:

13 **"70-30-306. Necessary expenses of litigation defined.** (1) Necessary expenses of litigation, as
14 authorized by 70-30-305, mean reasonable and necessary attorney fees, expert witness fees, exhibit
15 costs, and court costs.

16 (2) Reasonable and necessary attorney fees are based on the amount of compensation recovered
17 that exceeds the condemnor's final offer as provided in 70-30-305. Attorney fees must be awarded in
18 accordance with the following schedule:

19 (a) 35% of a recovery that exceeds the condemnor's final offer by up to \$20,000; plus

20 (b) 30% of any portion of the recovery that exceeds the condemnor's final offer by an amount
21 between \$20,000 and \$100,000; plus

22 (c) 25% of any portion of the recovery that exceeds the condemnor's final offer by an amount
23 between \$100,000 and \$500,000; plus

24 (d) 20% of any portion of the recovery that exceeds the condemnor's final offer by an amount
25 exceeding \$500,000 ~~the customary hourly rates for an attorney's services in the county in which trial is~~
26 ~~held. Reasonable and necessary attorney fees shall be computed on an hourly basis and may not be~~
27 ~~computed on the basis of any contingent fee contract entered into after July 1, 1977.~~

28 (3) Reasonable and necessary expert witness fees may not exceed the customary rate for the
29 services of a witness of ~~such~~ that expertise in the county in which trial is held."

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3 - END -